IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.4866 of 2008
DHANANJAY KUMAR
Versus
THE STATE OF BIHAR
---

3 24.7.2008. Heard counsel for the petitioner and the State.

Petitioner Dhananjay Kumar is apprehending his arrest in connection with Belhar P.S.Case no.80 of 2005 registered for offence under Sections 302, 201, 120B and 498A of the Indian Penal Code.

Counsel for the petitioner submits that there are two very relevant aspect which has not been considered by the court below. (i) The deceased is no one else the mother of the petitioner. (ii) The petitioner was only 16 years of age on the date of occurrence.

Without going into the merit of the case first essential aspect which needs consideration is whether the petitioner was minor on the date of occurrence as claimed by him. For deciding the minority of this petitioner the enquiry is required to be conducted under Section 14 of the Juvenile Justice (Care & Protection of Children) Act, 2000. In case the petitioner is juvenile the proceeding against him will not be conducted under the provisions of Cr.P.C. but under the provisions of Juvenile Justice Act 2000. Considering the aforesaid fact this application is being disposed of with a direction to the District & Sessions Judge Banka as well as the C.J.M.Banka to look into the matter and will conduct the enquiry under Section 14 of the Juvenile Justice (Care and protection of Children) Act 2000.

Till the minority of the petitioner is decided he should not be arrested in connection with Belhar P.S.Case no.80 of 2005.

(Mridula Mishra, J)

Sss/-

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